



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,961	09/16/2002	TIMOTHY JAY SMITH	9D-EC-19335	7120

7590 10/08/2004

John S. Beulick  
Armstrong Teasdale LLP  
One Metropolitan Square, Suite 2600  
St. Louis, MO 63102

EXAMINER

WOO, RICHARD SUKYOON

ART UNIT PAPER NUMBER

3629

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/475,961	<b>Applicant(s)</b> SMITH ET AL.	
	<b>Examiner</b> Richard Woo	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

- 1) The applicant's amendment filed June 30, 2004 has been entered.
- 2) Applicant's arguments, filed June 30, 2004, with respect to 35 U.S.C. section 101 and 112 have been fully considered and are persuasive. The previous rejections of corresponding sections under 35 U.S.C. have been withdrawn.
- 3) Applicant's arguments, with respect to the rejections under 35 U.S.C. section 102, filed June 30, 2004 have been fully considered but they are not persuasive.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Furthermore, in response to the applicant's argument that Juedes describes a delivery system limited to the delivery of products from the supplier to the buyer, the examiner invites the applicant's attention to the fact that the system of Juedes handles a plurality of predetermined carriers, or the delivery agent to facilitate the delivery of products. The delivery of products must go from the supplier to the delivery agent, then from the delivery agent to the buyer. Accordingly, Juedes does not disclose the method or system that is limited to the delivery of products from the supplier to the buyer directly.

- 4) The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action

***Claim Rejections - 35 USC § 102***

5) Claims 1-60 are rejected under 35 U.S.C. 102(a) as being anticipated by Juedes et al. (WO 01/13261).

W.R.T. Claim 1:

Juedes et al. discloses a method for managing the delivery of an order from at least one supplier to a delivery agent, and from the agent to a buyer, comprising the steps of (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof):

calculating a first potential arrival date of the order to a respective delivery agent's location, using the server system based on the order request date and the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof);

determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request (see Id.); and

determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address.

W.R.T. Claim 2: Juedes et al. further discloses the method, wherein the step of determining the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 3: Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped

from a work unit matrix (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 4: Juedes et al. further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.);

W.R.T. Claim 5: Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 6: Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.);

W.R.T. Claim 7: Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 8: Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see Id.);

---

W.R.T. Claim 9: Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 10: Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.);

W.R.T. Claim 11: Juedes et al. further discloses the method including the step of allowing order changes to be made based on the users security level clearance (see Id.);

W.R.T. Claim 12: Juedes et al. further discloses the method including the step of updating the electronic manifest with status information (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 13: Juedes et al. further discloses the method including the step of running the delivery management system when a reschedule has been requested (see Id.); and

W.R.T. Claim 14: Juedes et al. further discloses the method, wherein the order information includes data selected from the group having: the order date, the model number, the quantity of items, the brand of the item, ... (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof).

W.R.T. Claim 15:

---

Juedes et al. discloses a method comprising the steps of (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof):

calculating a first potential arrival date of the order to a respective delivery agent's location, using the server system based on the order request date and the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof);

determining the ability of the respective delivery agent to ship the order within a set of potential delivery dates based on the first potential arrival date request and the first date a delivery agent is prepared to ship the good; and

selecting the actual delivery date from the set of potential delivery dates (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof).

W.R.T. Claim 16: Juedes et al. further discloses the method, wherein the step of determining the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 17: Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.);

W.R.T. Claim 18: Juedes et al. further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.);

---

W.R.T. Claim 19: Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based

on the number of available delivery slots (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 20: Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.);

W.R.T. Claim 21: Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.);

W.R.T. Claim 22: Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 23: Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id.);

W.R.T. Claim 24: Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.); and

W.R.T. Claim 25: Juedes et al. further discloses the method, wherein the order information includes data selected from the group having: the order date, the model number, the quantity of items, the brand of the item, ... (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof).



W.R.T. Claim 26:

Juedes et al. discloses a computer program storage medium readable by a computer system and encoding a computer program of instructions for executing a computer process, the computer process comprising the steps of (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof):

determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address;

determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request; and

determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address (see Id.).

W.R.T. Claim 27: Juedes et al. further discloses the process, wherein the step of calculating the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 28: Juedes et al. further discloses the process, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.);

---

W.R.T. Claim 29: Juedes et al. further discloses the process including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.);

Art Unit: 3629

W.R.T. Claim 30: Juedes et al. further discloses the process, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 31: Juedes et al. further discloses the process including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.);

W.R.T. Claim 32: Juedes et al. further discloses the process including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.);

W.R.T. Claim 33: Juedes et al. further discloses the process including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 34: Juedes et al. further discloses the process including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id.);

W.R.T. Claim 35: Juedes et al. further discloses the process including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.);

W.R.T. Claim 36: Juedes et al. further discloses the process including the step of allowing order changes to be made based on the users security level clearance (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 37: Juedes et al. further discloses the process including the step of updating the electronic manifest with status information (see Id.);

W.R.T. Claim 38: Juedes et al. further discloses the process including the step of running the delivery management schedule when a reschedule has been requested (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof); and

W.R.T. Claim 39: Juedes et al. further discloses the process, wherein the order information includes data selected from the group having: the order date, the model number, the quantity of items, the brand of the item, ... (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof).

W.R.T. Claim 40:

Juedes et al. discloses an apparatus comprising (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof):

means for determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof);

means for determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request (see Id.);

means for determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof); and

means for updating an electronic manifest indicating the order ship date and the additional capacity utilized (see Id.).

W.R.T. Claim 41:

Juedes et al. discloses a method comprising the steps of (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof):

calculating a first potential arrival date of the order to a respective delivery agent's location, using the server system based on the order request date and the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof);

determining the ability of the respective delivery agent to ship the multiple brand order from the at least two suppliers based on the first potential arrival date request; and

determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address.

W.R.T. Claim 42: Juedes et al. further discloses the method, wherein the step of

---

determining the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 43: Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.);

W.R.T. Claim 44: Juedes et al. further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.);

W.R.T. Claim 45: Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 46: Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.);

W.R.T. Claim 47: Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.);

W.R.T. Claim 48: Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 49: Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id.); and

W.R.T. Claim 50: Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.).

W.R.T. Claim 51:

Juedes et al. discloses a method comprising the steps of (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof):

calculating a first potential arrival date of the order to a respective delivery agent's location, using the server system based on the order request date and the buyer's address (see Supra Claims);

determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request (see Id.); and

determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address (see Id.).

---

W.R.T. Claim 52: Juedes et al. further discloses the method, wherein the step of determining the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 53: Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.);

W.R.T. Claim 54: Juedes et al. further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.);

W.R.T. Claim 55: Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 56: Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.);

W.R.T. Claim 57: Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.);

W.R.T. Claim 58: Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 59: Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id.); and

W.R.T. Claim 60: Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

---

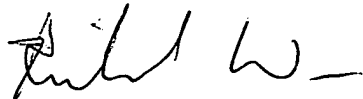
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 703-308-7830. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.



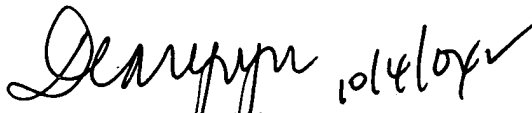
Art Unit: 3629

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.



Richard Woo  
Patent Examiner  
GAU 3629  
September 30, 2004



DEANT. NGUYEN  
PRIMARY EXAMINER